

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil Action No.: 3:07CV397
v.)	
)	
APPROXIMATELY 53 PIT BULL DOGS,)	
)	
Defendants.)	

MOTION FOR SECOND ORDER AS TO DISPOSITION AND
APPOINTING GUARDIAN/SPECIAL MASTER

COMES NOW the United States, by counsel, and herewith moves the court to enter an order 1) appointing a guardian/special master to recommend to the Court final dispositions as to each forfeited dog, 2) permit the guardian/special master to arrange for interim housing of the forfeited dogs, and 3) provide for the spaying and neutering of the forfeited dogs. In support of this motion, the government states the following:

1. On August 31, 2007, the Court entered an order forfeiting the defendant pitbull dogs to the United States pursuant to 7 U.S.C. §2156(f). A total of 49 dogs of the original 53 remained at the time of the forfeiture order. One dog was euthanized on motion of the government pursuant to an order entered on October 1, 2007.

2. As previously noted in the government's motion in support of the October 1, 2007, Order all of the dogs have been tested by animal behavior experts who concluded that many of the dogs may be suitable for placement in various settings involving different degrees of supervision. The government has not ruled out the possibility that additional dogs, after further

evaluation, may require euthanasia to protect humans and other animals, but at this time, further assessment and considerations of all placement options is the preferred course. Because the contemplated assessments and placement options require considerable time and expertise, the government believes those tasks should be carried out by a guardian/special master who will evaluate all appropriate options and recommend a final disposition to the Court.

3. The United States has identified Rebecca J. Huss, Professor of Law at Valparaiso University School of Law, as the appropriate individual to serve as the guardian/special master. Professor Huss is a leading expert in animal law in the United States. Prior to becoming a full time member of the law school faculty at Valparaiso University School of Law, she practiced in two large firms and worked in the law department of a pharmaceutical company's animal health division. Professor Huss is aware of the duties and responsibilities required of the guardian/special master in this case, and if appointed by the Court, has agreed to accept that appointment.

4. The guardian/special master should also be empowered to provide interim housing for the forfeited dogs until a final disposition is ordered by the Court. Prompt removal of the dogs from the animal shelters in which they reside, when necessary, is in the best interest of the dogs and will permit a more accurate assessment of the dogs' behavioral characteristics.

5. The government also seeks an order directing that the forfeited pitbull dogs be spayed and neutered and that microchips be implanted to assist in their recovery in the event that a dog is lost. These procedures are commonly performed on all animals who have been placed in a shelter environment before the dogs are released from the shelter. These procedures have been

recommended by the experts at The American Society for the Prevention of Cruelty to Animals (ASPCA) who participated in the behavior testing.

WHEREFORE, the government prays the Court will enter an order as prayed for herein.

Respectfully submitted,

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